



FORMAL OPINION

On the amendment of the State aid scheme enforced through the Government Decision no. 753/2008 for the setup of a regional development State aid scheme for the promotion of investments

By analyzing the following:

The Draft of Government Decision for the amendment of the *Government Decision no. 753/2008 for the setup of a regional development State aid scheme for the promotion of investments*

and

The standard notification form completed with the Annex no. II – simplified notification form, for the State aid measures enclosed in the Draft of Government Decision for the amendment of the Government Decision no. 753/2008 for the setup of a regional development State aid scheme for the promotion of investments,

submitted by the Ministry of Public Finance by the address no. 475767/09.10.2012, registered at the Competition Council with no. RG 14927/26.10.2012, in order to receive a formal opinion, and

ascertaining that:

1. On 25.02.2008 Romania has notified to the European Commission the State aid measures enclosed in the Government Decision no. 753/2008 for the setup of a regional development State aid scheme for the promotion of investments. The European Commission has authorized the State aid by the Decision no. C (2008) 3158 final, on 02.07.2008.
2. The facilities setup by the notified State aid scheme are granted to those large undertakings fulfilling the following conditions:
 - make an initial investment amounting more than the equivalent in lei of 100 mil. Euro, and the amount of eligible costs exceeds the equivalent in lei of 50 mil. Euro;
 - create at least 500 new jobs as a result of the initial investment made.
3. The scheme's budget amounts 575 mil. Euro, equivalent in lei. The maximum number of beneficiaries is of 20 undertakings.
4. The duration of the State aid scheme setup by GD no. 753/2008 is of 5 years, namely 2008–2012.

5. The Draft of Government Decision submitted to the Competition Council does not make any amendments to the State aid granting conditions and does not modify the budget of the scheme, the sole amendments aiming the prolongation of the scheme until 31.12.2012. The possibility to prolong the scheme was provisioned for in the initial text of the scheme, under the condition to notify the intention of prolongation to the European Commission and to receive its approval before the run out of the State aid scheme's initial time limit.
6. The notification is completed in accordance with the standard forms enclosed in Annex I and Annex II to the Regulation (EC) no. 794/2004 implementing Council Regulation (EC) no. 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty, with the subsequent modifications and completions.

COMPETITION COUNCIL

Based on the *Competition Law no. 21/1996, republished, with the subsequent amendments and completions* and on art. 8 recital (1) of the *Government Emergency Ordinance no. 117/2006 on the national procedures in the State aid field, approved with amendments and completions by the Law no. 137/2007*,

ISSUES FORMAL OPINION

On the Draft of Government Decision for the amendment of the Government Decision no.753/2008 for the setup of a regional development State aid scheme for the promotion of investments.